

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRADLEY T. PETERSON,

Plaintiff,

v.

Case No. 20-10002  
Honorable Linda V. Parker

JEFFREY WICKHAM, et al.,

Defendants.

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**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE’S  
REPORT AND RECOMMENDATION [ECF NO. 15] & (2) GRANTING  
DEFENDANT STATE OF MICHIGAN’S MOTION TO DISMISS  
[ECF NO. 11]**

On January 2, 2020, Plaintiff Bradley T. Peterson filed this action under 42 U.S.C. § 1983 against the State of Michigan and other parties, alleging Fourth and Fourteenth Amendment violations by members of the Belleville Police Department during the course of his August 2019 arrest. (ECF No. 1.) The State of Michigan subsequently moved to dismiss the case against it. (ECF No. 11.) In a Report and Recommendation (“R&R”) issued on April 14, 2020, Magistrate Judge R. Steven Whalen recommended that the Court grant the State of Michigan’s Motion to Dismiss, concluding that the claims against the State are barred by the Eleventh Amendment and Plaintiff failed to state a claim against it. (ECF No. 15 at Pg. ID 146-48.)

At the conclusion of the R&R, Magistrate Judge Whalen informed the parties that they must file any objections to the R&R within fourteen days. (*Id.* at Pg. ID 149.) He further advised that the “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” (*Id.* (citations omitted).) Neither party objected, and the time to do so has expired.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen. The Court therefore adopts Magistrate Judge Whalen’s April 14, 2020 R&R and dismisses the claims against the State of Michigan with prejudice.

Accordingly,

**IT IS ORDERED** that Defendant State of Michigan’s Motion to Dismiss (ECF No. 11) is **GRANTED** and Plaintiff’s claims against the State of Michigan are **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: July 15, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, July 15, 2020, by electronic and/or U.S. First Class mail.

s/ R. Loury  
Case Manager